



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Lou Tateo, et al.

Serial No.: 10/797,479

Filed: March 9, 2004

For: LARYNGEAL AIRWAY DEVICE

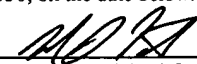
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Group Art Unit: 3743

Examiner: Bunin, Andrew M.

Atty Docket: TYHC:0148 / P0428T

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

CERTIFICATE OF MAILING 37 C.F.R. 1.8	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Mail Stop Amendment, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:	
November 21, 2005	
Date	Michael G. Fletcher

Sir:

**INFORMATION DISCLOSURE STATEMENT  
PURSUANT TO 37 C.F.R. §§ 1.97(c) AND 1.98**

In compliance with the duty of disclosure under 37 C.F.R. § 1.56(a), it is respectfully requested that this Information Disclosure Statement be entered and that the listed references be considered by the Examiner and made of record. Applicants note that, due to recent amendments to 37 C.F.R. § 1.98(a), copies of the listed domestic references are no longer required to be submitted to the Examiner.

In accordance with 37 C.F.R. § 1.97, this Information Disclosure Statement is not to be construed as a representation that a search has been made, as an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b), or as a representation that no other possibly material information, as defined in 37 C.F.R. § 1.56(b), exists.


Furthermore, the references listed on the attached PTO/SB/08A Forms are not to be construed as an admission that these references qualify as prior art as to the above-referenced application or any related application. Rather, these references are being presented for the Examiner's consideration without prejudice to the right to demonstrate that any of these references do not qualify as prior art should the Examiner choose to apply any of these references.

The following information is listed on the attached PTO/SB/08A Forms in accordance with 37 C.F.R. §1.98. Any explanation of non-English language documents contained in this Information Disclosure Statement is believed to constitute a concise explanation of the relevance of the listed reference as it is presently understood by the individual designated in § 1.56(c) most knowledgeable about the content of the listed reference, in accordance with 37 C.F.R. § 1.98(a)(3).

In accordance with 37 C.F.R. §1.97(c) a fee of \$180.00 is due for the present Information Disclosure Statement. The Commissioner is authorized to charge the requisite fee, and any additional fee which may be required, to Deposit Account No. Account No. 06-1315; Order No. TYHC:0148/FLE.

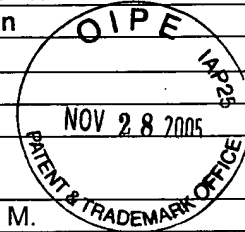
Respectfully submitted,

Date: November 21, 2005

  
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Substitute for form 1449/PTO <b>INFORMATION DISCLOSURE          STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)				<b>Complete if Known</b>		
				Application Number	10/797,479	
				Filing Date	March 9, 2004	
				First Named Inventor	Lou Tateo	
				Art Unit	3743	
Examiner Name				Bunin, Andrew M.		
Sheet	1	of	4	Attorney Docket Number		TYHC:0148 / P0428T



### U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)				
	A1	US-	5,303,697	04-19-1994	Brain	
	A2	US-	6,055,984 A	05-02-2000	Brain	
	A3	US-	6,079,409 A	06-27-2000	Brain	
	A4	US-	6,631,720 B1	10-14-2003	Brain	
	A5	US-	6,698,428 B2	03-02-2004	Brain	
	A6	US-	6,705,318 B1	03-16-2004	Brain	
	A7	US-	6,792,948 B2	09-21-2004	Brain	
	A8	US-	2004/0060564 A1	04-01-2004	Brain	
	A9	US-	2004/0089307 A1	05-13-2004	Brain	
	A10	US-	2004/0139971 A1	07-22-2004	Brain	
	A11	US-	2005/0051173 A1	03-10-2005	Brain	
	A12	US-	2005/0051175 A1	03-10-2005	Brain	
	A13	US-	2005/0066975 A1	03-31-2005	Brain	
	A14	US-	2005/0103345 A1	05-19-2005	Brain	
	A15	US-	RE 35,531	06-17-1997	Callaghan et al.	
	A16	US-	5,443,063 A	08-22-1995	Greenberg	
	A17	US-	5,477,851 A	12-26-1995	Callaghan et al.	
	A18	US-	5,623,921 A	04-29-1997	Kinsinger et al.	
	A19	US-	5,746,202 A	05-05-1998	Pagan	

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				Examiner Name	Bunin, Andrew M.	
Sheet	2	of	4	Attorney Docket Number		TYHC:0065 / P0419M

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	A20	US-	5,865,176 A	02-02-1999	O'Neil	
	A21	US-	5,937,860 A	08-17-1999	Cook	
	A22	US-	5,983,897 A	11-16-1999	Pagan	
	A23	US-	5,996,582 A	12-07-1999	Turnbull	
	A24	US-	6,021,779 A	02-08-2000	Pagan	
	A25	US-	6,050,264 A	04-18-2000	Greenfield	
	A26	US-	6,095,194 A	08-01-2000	Pagan	
	A27	US-	6,116,243 A	09-12-2000	Pagan	
	A28	US-	6,240,922 B1	06-05-2001	Pagan	
	A29	US-	6,251,069 B1	06-26-2001	Mentzelopoulos et al.	
	A30	US-	6,257,236 B1	07-10-2001	Dutkiewicz	
	A31	US-	6,261,401 B1	07-17-2001	Pagan	
	A32	US-	6,266,548 B1	07-24-2001	Lamade et al.	
	A33	US-	6,308,703 B1	10-30-2001	Alving et al.	
	A34	US-	6,338,343 B1	01-15-2002	Augustine et al.	
	A35	US-	6,422,239 B1	07-23-2002	Cook	
	A36	US-	6,427,686 B2	08-06-2002	Augustine, et al.	
	A37	US-	6,604,525 B2	08-12-2003	Pagan	
	A38	US-	6,626,169 B2	09-30-2003	Gaitini	

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	A39	US- 6,634,354 B2	10-21-2003	Christopher	
	A40	US- 6,668,832 B2	12-30-2003	Christopher	
	A41	US- 6,698,430 B2	03-02-2004	Van Landuyt	
	A42	US- 6,705,321 B2	03-16-2004	Cook	
	A43	US- 6,705,322 B2	03-16-2004	Chang	
	A44	US- 6,722,368 B1	04-20-2004	Shaikh	
	A45	US- 6,729,325 B2	05-04-2004	Alfrey	
	A46	US- 6,761,170 B2	07-13-2004	Van Landuyt	
	A47	US- 2001/0025641 A1	10-04-2001	Doane et al.	
	A48	US- 2002/0078961 A1	06-27-2002	Collins	
	A49	US- 2002/0112727 A1	08-22-2002	Van Landuyt	
	A50	US- 2002/0112728 A1	08-22-2002	Van Landuyt	
	A51	US- 2004/0020491 A1	02-04-2004	Fortuna	
	A52	US- 2004/0079364 A1	04-29-2004	Christopher	
	A53	US- 2004/0112388 A1	06-17-2004	Russell	
	A54	US- 2004/0200479 A1	10-14-2004	Chang	
	A55	US- 2004/0255953 A1	12-23-2004	Cook	
	A56	US- 2005/0005931 A1	01-13-2005	Doane et al.	
	A57	US- 2005/0016529 A1	01-27-2005	Cook	

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	A58	US- 2005/0039756 A1	02-24-2005	Cook	
	A59	US- 2005/0081861 A1	04-21-2005	Nasir	
	A60	US- Des. 429,811	08-22-2000	Bermudez	
	A61	US- 4,683,879	08-04-1987	Williams	
	A62	US- 6,439,232 B1	08-27-2002	Brain	
	A63	US-			
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